



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,363	11/25/2005	Yasushi Okubo	KON-2053	3845
20311	7590	05/04/2010	EXAMINER	
LUCAS & MERCANTI, LLP			HON, SOW FUN	
475 PARK AVENUE SOUTH				
15TH FLOOR			ART UNIT	PAPER NUMBER
NEW YORK, NY 10016			1783	
			NOTIFICATION DATE	DELIVERY MODE
			05/04/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[info@lmiplaw.com](mailto:info@lmiplaw.com)

**ADVISORY ACTION**

***Response to Request for Reconsideration***

***Repeated Rejections***

1. The 35 U.S.C. 103(a) rejections of claims 12-17, 22-31 over Yamada in view of Machell, as evidenced by Sobrinho, are repeated for the same reasons previously of record in the Office action dated 02/22/10.

***Response to Arguments***

2. Applicant's arguments regarding the 35 U.S.C. 103(a) rejections of claims 12-17, 22-31 over Yamada in view of Machell, as evidenced by Sobrinho have been considered but have not been found to be persuasive.

3. Applicant argues that it would not have been obvious for one of ordinary skill in the art to have modified Yamada with Machell because there is no overlap in the stretch parameters of Yamada and Machell.

4. However, Applicant is respectfully apprised that motivation to combine is provided by Sobrinho, which teaches that the surface smoothness of a display substrate is critical for smooth deposition of a metal nitride or metal oxide.

5. Applicant also argues that Sobrinho does not provide evidence that the artisan would have expected surface smoothness to have any effect on the parameter of moisture permeability after thermal shock.

Art Unit: 1782

6. However, as stated above, motivation is provided by the teaching that the surface smoothness of a display substrate is critical for smooth deposition of a metal nitride or metal oxide.

7. The declaration under 37 C.F.R. 1.132 filed April 16, 2010 is insufficient to overcome the 35 U.S.C. 103(a) rejections of claims 12-17, 22-31 over Yamada in view of Machell, as evidenced by Sobrinho because the declaration does not compare the claimed invention to the closest prior art.

8. The declaration provides a description by Applicant of a preparation of the display substrate of Example 4 of Yamada, and provides data which indicates that the moisture permeability of the claimed invention is lower than Example 4 of Yamada, and that after impact the moisture permeability of the claimed film improves, whereas Yamada does not improve. Applicant also states that the results observed are unexpected.

9. However, because Applicant does not compare the claimed invention to Yamada modified by Machell, a comparison to the closest prior art is not made.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample, can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/  
Primary Examiner, Art Unit 1782